

Juries — 1923

Kentucky Justice.

A colored murderer in Hazard, Kentucky, asked for an all-colored jury to pass judgement on his case. He got his wish, and the first all-colored jury in the State convicted him in eleven minutes and he was sentenced to the penitentiary for 21 years.

There is a feeling sometimes among intelligent white people that the agitation for colored people on juries, and as assistant district attorneys and judges represents a movement to secure leniency for criminals.

It isn't that at all. Basic law requires that persons accused of crimes have the right to a trial by a jury of their PEERS or equals. This fundamental law is violated every time citizens are kept off juries because of their race, or color, or previous condition.

REFUSES TO SIT ON

MIXED JURY—FINED

Beckley, W. Va., Feb. 20 (Cru-

sader Service).—Fines of \$25 were

imposed upon Charles Pack and

John Beckner, of this place, fol-

lowing their refusal to sit upon a

mixed jury. During the trial of

Thomas Harris, charged with sell-

ing moonshine, Pack and Harris

were impanelled, but when they

were called declared they would

not sit in the case because a col-

ored man had been called into the

jury box. The court then excused

them and took the matter under

advisement. On the following day

the two men were called before the

court and were fined \$25 each for

contempt. It is the first instance

of the kind known in this state.

SUES PHYSICIAN FOR \$5,000;

LOSES. Dallas, Texas.

(N. A. C. B.)

Jackson, Miss., March 23.—Quite

a little of interest was manifested

in the trial in the Circuit Court of

this city in which L. A. Aikens,

white, a government inspector was

suing Doctor S. D. Redmond, well-

known attorney of this city, for

\$5,000 damages. Aikens said that

"being a white man of respectability

he had sustained \$5,000 damages

as a result of Counsellor Redmond

charging in a speech to the Court

that Aikens had thrown his arms

around a certain Colored man and

offered him the Masonic distress

sign in an effort to entrap the party.

The case was contested most stub-

bornly by both sides for two days,

but it took the jury only a few

minutes to return a verdict for

Redmond. 3/24/23.

The readiness with which a ver-

dict was reached in a case of this

kind for the defendant is indicative

of a more healthy public sentiment

in the South.

Members of a Black and White Mixed Sex Jury Come to Blows

N. Y. C. EVE WORLD

APRIL 12, 1923

Statement That One Had a Head Like a Sieve Started Trouble in All Night Session.

PHILADELPHIA, April 12.—A remark by one juror to another that he had "a head like a sieve—nothing will stay in it," caused a rumpus in a jury room in City Hall last night that gave Judge Charles Y. Audenreid, in Criminal Court, something to think about to-day.

The jury, made up of eight men and four women, two of the latter colored, were locked up all night trying to reach a verdict in an assault and battery case. When Juror Frank Beck, salesman, made the uncomplimentary remark to Juror Howard Johnson, expressman, he accompanied it with a slap on the face. Johnson told the court.

It was also related to the court that Johnson seized the evidence in the case, a pistol, and pointed it at Beck, but it was not loaded.

The court was also informed that

Johnson acted in an unbecoming manner by jumping into bed in the presence of the women jurors. A court officer told the Judge that he "yanked him out of bed because supper was being served." The officer did not state whether Johnson had prepared to remain in bed for the night.

Judge Audenreid decided that he would give "due consideration to the disturbance," and ordered Johnson to remain in court. The jury disagreed in the case and was discharged.

NEGRO ON JURY PANEL

An interesting occurrence was noted this week in the Circuit Court for Criminal Causes when Frank W. Clegg, colored, 4215a W. Lucky St., was called on the jury panel. On two occasions he was called into the jury box, but each time Ass't. Circuit Attorney Bowcock, peremptorily challenged him. While this is the privilege of the representatives of the Circuit Attorney's office, it was the consensus of opinion that the sole cause for the challenge was the fact that Clegg is colored.

Only rarely are Negroes summoned for jury service.

It will be remembered that the Negro lawyers of the City exacted pledges of the judicial candidates for office last Summer, that if elected to office, they would use their influence to secure to Negroes their right to sit on the juries.

COLORED MAN SUMMONED ON MURDER JURY IN FLA.

Will Try White Man At Tampa. Sheriff Says There Is No Mistake, They Knew He Was Black

Associated Negro Press

TAMPA, Fla., Aug. 15.—For the

first time since "reconstruction days,"

when Negroes were in control of the

local county government, a black man

was summoned for jury service.

The case was that of Elmo Lloyd a

white man, charged with murder, and

Clifton Roberts was the juryman.

When the colored man appeared in

the jury box, responded to his name

and took his seat with the white men

also named in the regular and special

venires, there was much craning of

necks on the part of spectators. The

news spread rapidly and was the

subject of much discussion in the

various offices. Little comment was

made by court officials. Sheriff W. C.

Spencer said that no mistake was

made, for Roberts was decidedly dark

and that another colored man, Lewis

Williams, was also on call.

According to B. L. Blackburn, su-

pervisor of registration for Hillsbor-

ough county, Chief Justice Whitfield

of the Florida supreme court, and

Judge Brown both advised the prop-

riety of placing names of Negroes

on the list of veniremen. Mr. Black-

burn said he had talked with both of

the state officials when he was at

Tallahassee during the recent session

of the legislature and they said Ne-

groes were eligible for jury duty.

Mr. Roberts did not get an oppor-

tunity to act, however, as continu-

ance was asked for and granted until

the next term of court.

First Bronxville Negro

Is Cited for Jury Duty

(Special Correspondence)

Bronxville, N. Y.—For the first time

in the history of this little town a col-

ored man has been called to serve as

juror. William H. Allen of Sagamore

Park has been cited for jury duty at

White Plains.

NEGRO DOING JURY SERVICE IN
FLORIDA—NO MISTAKE MADE
BECAUSE THE MAN IS DARK
HUE.

The Birmingham
(By The Associated Negro Press)

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Colored Man Called

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2ND COLORED WOMAN ON DEL. FEDERAL JURY

WHITE SOUTHERNER POINTS OUT
ONLY 2 WOMEN ON U. S. JURY
IN DELAWARE, ONE COLORED

Editor Wilmington Sunday Star:—I note by the papers that there will be one woman—a Colored woman—drawn on the U. S. jury panel for this term. She is, I believe, the second woman to be chosen for United States jury duty and the second Colored woman as well.

Isn't this question of women serving on the juries in Delaware becoming rather too much for our weak understanding? The State of Delaware, after women have been voting for several years, has not yet chosen any woman for county court service, despite the fact that half of the voters are women. Uncle Sam, however, does pick Delaware women, but when he picks them, they seem always to be Colored women.

What makes this peculiar state of affairs as to women serving on the jury in this state? Are they only half citizens?

INQUISITIVE.

June 1, 1923

NO COLOR LINE IN LOCAL JURY ROOM



"Everybody Tried to Make Negro Brother Feel at Home"

BOSTON MASS HERALD

DECEMBER 5, 1923

Meagreness of Pay of Jurors Favorite Topic of Veniremen

Mechanics Penalized More Than Half Income
for Six Weeks—Average Loss \$140
—Getting Acquainted

This is the second of a series of articles in which a member of The Herald staff tells of his experiences and of the things he saw and heard while serving recently on the Suffolk county jury. It is believed to be a novelty in journalism and one which readers will appreciate and enjoy.

By JOHN R. SULLIVAN

When the veniremen reported the second day, the case still on trial was unfinished and after a consultation with the opposing lawyers, the judge excused us until 10 o'clock the following morning. We hung around the jury room for half an hour, but there was little chance to become acquainted. The jurors were a truly representative body with men from nearly every walk of life. A few who had served on juries before, or who were experienced in court procedure explained to the uninitiated the working of the venire.

Each session plans to start off with enough men for three juries. Twelve men are immediately impanelled to try the first case and the remaining 24 loaf around the court or jury room until the case is finished and the jury goes out to deliberate. The court officers then summon the 24 idle men into court and a new jury is chosen by lot. The clerk has a card for each man, bearing his name, address and occupation. These are put in a tiny barrel which is whirled around for a half minute or so and then the clerk begins the drawing. As each man's name is called he takes his place in the jury box.

CHALLENGES BEGUN

Lawyers for both sides have lists of the venire and check off the names as they are called. When the jury box is filled the lawyers make known their

challenges to the clerk and the men challenged leave the box. The clerk then gives the barrel another whirl and picks out names until the box is again filled. Usually in civil cases only one or two men are challenged. When a jury is complete, the judge generally asks the lawyers if they expect the case will take the entire day and if the answer is in the affirmative he dismisses the remaining jurors until the following morning. If the case begins early in the day the lawyers are doubtful as to how long it will last, for there is a shortage of jurors reported in other sessions, the judge holds the remaining veniremen.

ELIGIBLE FOR NEXT CASE

When the jury that is deliberating comes in with a verdict or disagreement the men automatically take their places with the idle jurors and are eligible for the next case. Some men are either "lucky" or unfortunate, according to the individual interpretation, and do not get on a jury more than once in a week. A man who is discharged from one case in the morning and takes his place with the idle veniremen may be chosen on another jury that very day, while some of the idle men are not.

In this session one man eventually hung up a record for the term, and did not serve on a case for two weeks, while several men were on alternate cases during the entire term.

On their second day of duty none of the men knew each other's name, as the printed lists had not been distributed. One of the men had served on a case

and had that intimate contact which soon breaks down all barriers of reserve.

One Juror Fails to Return from Lunch

The only subject discussed that morning was the lapse of a juror on the last case in the previous term, who had gone out to lunch at the noon recess, and had not returned. When court opened at 2 o'clock and he was missing, the opposing counsel agreed to go on with 11 men and the case resumed. All this gossip had seeped into the jury room somehow. The veniremen were very much interested in the man's fate. We never learned it, however.

When we reported the third day a court officer handed each man a printed list with the names, addresses and occupations of all the jurors. This served to open the door somewhat, as there were several well known names on the list and the men rapidly became acquainted.

HOW THE LIST WAS MADE-UP

The make-up of the list, by occupations, was as follows:

Five machinists, four clerks, two salesmen, two merchants, two grocers, three newspaper men, two butchers and one each of the following occupations: Civil engineer, supervisor, freight agent, metalworker, painter, carpenter, insurance adjuster, draughtsman, foreman, real estate agent, teamster, superintendent, steamfitter, shipper, paper hanger, electrician, manufacturer, wool sorter, market gardener and baker.

Men of Irish extraction predominated, as they probably do on all Suffolk county juries. Pure American stock was next, with two Jews, one Swede, four Germans, one Greek and three men of Canadian origin.

There were four college men on the list and several high school graduates. Several of the men were wealthy, but the majority of them were plain, every day working men. The youngest was 23 and the oldest about 62. They were drawn from all sections of the county, from West Roxbury to North Revere.

GRUMBLE ABOUT PAY

The most general subject of conversation was the inadequate pay of jurors. Aside from the business and professional men on the venire, there was hardly a man on the list who was not being penalized financially for his service to the county. All seemed agreed that \$4 a day and mileage to the courthouse for a round trip each week, was a rank injustice. This mileage amused everyone. Just why the county should pay the men mileage for their trip to the courthouse on Monday and their return trip to their homes on Friday afternoon, and ignore the four intervening round trips, was never satisfactorily explained.

During the next five weeks I checked off the list, eliminating the men who were not suffering a financial loss. My calculations showed an average loss in income for the six weeks' term of \$140. These figures may be too high or too low, but they are made from statements by the men themselves, who had nothing to gain by exaggeration. Some of the mechanics were enabled to work on Saturdays, but the majority of them had to take off the entire six weeks.

Several men were being paid in full by their employers and the money paid to them by the county was a distinct gain. Nevertheless none of these men was enthusiastic about his service early in the session, although they later admitted to me that they were enjoying

the work.

The business men were also emphatic in their denunciation of the meagre pay, not that it made any material difference to them, as they asserted that nothing the county could pay them would make up the loss of time to their enterprises. These business men all felt that the average man, who depended on a daily wage, should either be paid his usual weekly wage by the county, or reimbursed by his employer; that is, receive the difference between his county pay and working wage.

Discussion of the pay problem not only took up most of the short time we spent in the jury room on the second day, but was always on tap as a subject of discussion and debate. The jurors put the blame squarely where they thought it belonged, on the state legislators. The attitude of the court was later commended on this score. It seemed to the jurors that the judge gave more consideration to married workingmen who asked to be excused, either for the entire term or for a week, than he did to those men who were not suffering any distinct financial loss. The veniremen reasoned that no one could expect a jury composed of carpenters, who were each being fined \$5 a day for county work, to really concentrate on a case, when they were trying to reconcile \$50 a month rent and the support of a family of five with an income of \$20 a week.

NEGRO WELL TREATED

There was one negro on the venire and he seemed ill at ease at first, alone among so many white men. Everyone tried to make him feel at home and that day he was the proud recipient of three cigars. This later became quite the thing and Tom was always smoking cigars when he was not on a case. He was a paperhanger and proved to be very shrewd and argued every case on which he sat. There was never any hint of racial barrier and he was accorded every courtesy and consideration by all his colleagues. His selection was especially unfortunate, as he had been loafing for several weeks and had only resumed work shortly before his call to jury duty.

A famous case was due to come up in the criminal court about this time and all the jurors knew, or were soon told, that men in the civil sessions were liable to be drafted for service in the criminal court. All wanted to sidestep this case and there was much speculation as to the number of challenges likely to be made. Two murder cases were also on the docket and the same unanimity prevailed. No one was called from our session for any of these trials and when it was later learned, through the underground telegraph that seems to run through the courthouse, that the juries in these cases had been chosen, we all breathed a sigh of relief.

INTEREST IN TRIALS

We hung around the jury the entire third day and were excused about 2:30 in the afternoon. Several of the men stayed in the courtroom to hear the arguments of counsel and the judge's charge. Both lawyers are leaders in their profession and several of the veniremen spent all their spare time in the courtroom the first two days of the trial.

The closing argument for the plain-

tiff was a particularly flowery oration and made quite an impression on the jurors who had never been in court before. The case went to the jury at 4 o'clock and was deliberated until 10:30 that night before a verdict was reached.